IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

W.P.(C).No.16242 of 2007(S)

PETITIONERS:-
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1. E.SALAHUDEEN,
   TECHNICAL OFFICER, DISTRICT INDUSTRIES CENTRE,
   THIRUVANANTHAPURAM.

2. RAJIMOHAN.G.,
   TECHNICAL OFFICER,
   DISTRICT INDUSTRIES CENTRE,
   PALAKKAD.

3. ANILKUMAR K.S.,TECHNICAL OFFICER,
   DIRECTORATE OF INDUSTRIES AND COMMERCE,
   THIRUVANANTHAPURAM.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:-
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1. STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY,
   INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR OF INDUSTRIES AND COMMERCE,
   THIRUVANANTHAPURAM.

3. V.MURALIDHARAN NAIR,
   INDUSTRIES EXTENSION OFFICER,
   DIRECTORATE OF INDUSTRIES AND COMMERCE,
   THIRUVANANTHAPURAM.

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.M.R.SABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu,C.J. & K.T.Sankaran,J.

W.P.(C).No.16242 of 2007-S

Dated, this the 29th day of May, 2007

JUDGMENT

H.L.Dattu,C.J.

In this petition filed under Article 226 of the Constitution of India, the petitioners primarily question an order passed by the respondents promoting the 3rd respondent as Technical Officer in Industries Department.

2. Admittedly the subject matter is a service matter. In service matters, public interest litigations are not maintainable. The Supreme Court in *Kushum Lata* v. *Union of India* [(2006) 6 SCC 180] has observed as under:

> "Though in *Duryodhan Sahu (Dr.)* v. *Jitendra Kumar Mishra* [(1998) 7 SCC 273)] this Court held that in service matters PILs should not be entertained, the inflow of so-called PILs involving service matters by competitors continue unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision".

In view of the aforesaid observations made by the apex Court, we cannot entertain this writ petition. Accordingly, the writ petition requires to be dismissed and it is, therefore, dismissed. Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-